

**Village Council  
Monday,  
June 1, 2009  
7:00 PM**

**Minutes**

**Call to Order:** Mr. Deeds called the meeting to order at 7:02pm

**Pledge of Allegiance:** Mrs. Mershon led the Pledge of Allegiance.

**Roll Call:**

John Bender	Rick Deeds	Bruce Jarvis	Bobbie Mershon
Victor Paini	Marilyn Rush-Ekelberry	Leah Turner	

**Approval of Minutes:**

Mr. Paini moved to accept the minutes from the May 18<sup>th</sup>, 2009 Council meeting and Public Hearing.  
Mrs. Turner seconded the motion.

**VOTE:**       **AYES** Dr. Bender, Mr. Paini, Mrs. Mershon, Mrs. Turner  
                      Mr. Deeds, Mrs. Rush-Ekelberry, Mr. Jarvis  
                      **NAYS**

Motion Carried.

**Communications & Petitions:**

A letter was received from Scott Huff sharing his objections to the proposed 40 unit senior housing apartment development by Fairfield Homes, Inc.

A letter was received from the Ohio Gas Association urging Public Officials to champion natural gas safety by encouraging residents and businesses alike to follow the law and call the Ohio Utilities Protection Service (O.U.P.S.) two working days prior to any digging, ditching, drilling, leveling, or plowing activity. Phone number is 811 or 1-800- 362-2764 for O.U.P.S.

Letters were received from several residents and non residents expressing support for the development of tennis courts in Canal Winchester.

Mr. Paini moved to change the agenda so that old business is below resident comments. Mrs. Rush-Ekelberry seconded the motion.

**VOTE:**       **AYES** Dr. Bender, Mr. Paini, Mrs. Mershon, Mrs. Turner  
Mr. Deeds, Mrs. Rush-Ekelberry, Mr. Jarvis

## NAYS

Motion Carried.

**Village Residents Comments:**

Five-minute limit per person

**Scott Thompson**, owner of the 2 ½ acre parcel which Fairfield Homes is looking to develop, passed out pictures of the property to Council. He stated that back in the 80's when this was zoned multi-family it was to buffer the residential area from the businesses. With the current zoning, it could be developed with 14 units that each have a 3-4 people / unit. That would result in a much higher number of people than the senior housing. This would be a controlled environment with covenants that exclude those under 55 years old and prohibit loud music. The seniors could walk to surrounding businesses.

There was a study which showed that there is a need for a senior development in the downtown area. He is impressed with Fairfield homes and their implementation of the playground and upgraded landscaping.

**Jeffrey Bond**, of 146 Washington St. Apt C, stated that Mr. Thompson brought up some good points. There was a wish list put forth by a committee that wasn't made up by residents. In 1980, they were pretty desperate for development. In the last few years, there has been a boom and we have re-thought everything since then. He reminded Council that they answer to the residents, as they were elected by them.

**Taunya Strahan**, of 28 E. Mound Street, stated that she is a 41 year resident of Canal Winchester and she believes we are very afraid of change. She wants us to be careful to what we are questioning and why we are questioning it with the zoning. She is not in favor of the sub-division, but she knows we could have worse in our backyard. She provided Council with information regarding the ditch that runs south along Mound Street and was proposed and petitioned in 1903. That drain tile and ditch are still a part of that area.

Her biggest concern is that when they started building north of the tracks on Kramer and Hocking, they ended up with water in their basements and with a lot of flooding on E Mound Street.

### Old Business:

Mr. Hollins gave a quick summary of the facts and findings regarding the appeal of the decision of P&Z Commission to deny the variances requested by Fairfield Homes.

A written statement was circulated with all of the information. (See attached.)

Mr. Hollins stated that they appreciate all of the input of the public and the representatives of the Applicant. It was a hard decision and it was well-considered. The variances were substantial and were not justified and will be denied. However, another application that didn't have these variances would be entertained, should that arise.

Mrs. Turner moved to adopt the Findings of Fact Conclusions of Law in the matter of the Appeal of the decision of the Planning and Zoning Commission on April 13, 2009 to deny the variances requested by Fairfield Homes, Inc (VA09-03). Mrs. Mershon seconded the motion.

**VOTE:**       **AYES** Dr. Bender, Mr. Paini, Mrs. Mershon, Mrs. Turner  
Mr. Deeds, Mrs. Rush-Ekelberry,

## NAYS

Mr. Jarvis abstained. Motion Carried.

**ORDINANCES:**

## THIRD Reading

Sponsor: Mrs. Turner

O-09-05A TO ESTABLISH SECTION 521.13 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CANAL WINCHESTER TO ENACT HAZARD TREE CONTROL TO THE GENERAL OFFENSES CODE

Mrs. Turner read the ordinance and moved to adopt Ordinance 35-09. Mrs. Rush-Ekelberry seconded the motion.

**VOTE:**       **AYES** Dr. Bender, Mr. Pains, Mrs. Mereson, Mrs. Turner  
Mr. Deeds, Mrs. Rush-Ekelberry, Mr. Jarvis

## NAYS

Motion Carried.

## SECOND Reading

Sponsor: Mr. Deeds

O-09-05B AN ORDINANCE TO SET THE SALARIES OF MEMBERS OF COUNCIL AND  
PRESIDENT OF COUNCIL EFFECTIVE JANUARY 1, 2010

Mr. Deeds read the Ordinance. Second reading only.

Sponsor: Mr. Deeds

O-09-05C AN ORDINANCE TO SET THE SALARY AND FRINGE BENEFITS OF THE MAYOR  
EFFECTIVE JANUARY 1, 2010

Mr. Deeds read the Ordinance. Second reading only.

Sponsor: Mrs. Mershon

O-09-05D AN ORDINANCE TO AMEND SECTION 1181.04 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CANAL WINCHESTER REGARDING THE PARK FEE

Mrs. Mershon read the Ordinance. Second reading only.

Sponsor: Mrs. Mershon

O-09-05E AN ORDINANCE TO AMEND THE DEVELOPMENT FEE SCHEDULE ORDINANCE NO. 44-08

Mrs. Mershon read the Ordinance. Second reading only.

## **FIRST Reading**

Sponsor: Mr. Jarvis  
O-09-06A AN ORDINANCE TO AMEND THE 2009 APPROPRIATION ORDINANCE 63-08 Amendment #2

Mr. Jarvis read the ordinance. First reading only.

Sponsor: Mrs. Mershon  
O-09-06B AN ORDINANCE TO ADOPT THE VILLAGE OF CANAL WINCHESTER IDENTITY THEFT PREVENTION PROGRAM

Mrs. Mershon read the ordinance. First reading only.

Sponsor: Mrs. Rush-Ekelberry  
O-09-06C AN ORDINANCE TO AUTHORIZE THE MAYOR AND FINANCE DIRECTOR TO ENTER INTO A DEPOSITORY AGREEMENT WITH CANAL BANKING CENTER, VINTON COUNTY NATIONAL BANK FOR THE DEPOSIT OF PUBLIC FUNDS.

Mrs. Rush-Ekelberry read the ordinance. First reading only.

Sponsor: Mr. Deeds  
O-09-06D AN ORDINANCE APPROVING AND ADOPTING THE 2010 OPERATING BUDGET  
There will be a Public Hearing in July to cover the budget. Mr. Deeds read the ordinance. First reading only.

Sponsor: Mr. Deeds  
O-09-06E AN ORDINANCE TO AUTHORIZE THE MAYOR AND FINANCE DIRECTOR TO ENTER INTO A DEPOSITORY AGREEMENT WITH THE HUNTINGTON NATIONAL BANK FOR THE DEPOSIT OF PUBLIC FUNDS.

Mrs. Deeds read the ordinance. First reading only.

Sponsor: Mrs. Mershon  
O-09-06F AN ORDINANCE TO ADOPT AMENDMENTS TO RULE 7 AND 12 OF THE COUNCIL RULES

Mrs. Mershon read the ordinance. First reading only.

## **RESOLUTIONS**

### **THIRD Reading**

Sponsor: Mrs. Mershon  
R-09-05A A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL FOR THE FRANKLIN COUNTY TAX ABATEMENT AREAS WITHIN THE VILLAGE OF CANAL WINCHESTER

Mrs. Mershon read the resolution and moved to adopt Resolution 05-09 Dr. Bender seconded the motion.

**VOTE:** **AYES** Dr. Bender, Mr. Paini, Mrs. Mershon, Mrs. Turner  
Mr. Deeds, Mrs. Rush-Ekelberry, Mr. Jarvis

**NAYS**

Motion Carried.

Sponsor: Mrs. Mershon

R-09-05B      A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE TAX INCENTIVE  
REVIEW COUNCIL FOR THE FAIRFIELD COUNTY ENTERPRISE ZONE AREAS  
WITHIN THE VILLAGE OF CANAL WINCHESTER

Mrs. Mershon read the resolution and moved to adopt Resolution 06-09. Mr. Paini seconded the motion.

**VOTE:**          **AYES** Dr. Bender, Mr. Paini, Mrs. Mershon, Mrs. Turner  
Mr. Deeds, Mrs. Rush-Ekelberry, Mr. Jarvis

**NAYS**

Motion Carried.

**Mayor's Report:**

As for the JEDD for Fairfield County, Lancaster will not be joining at this time. Mayor Ebert and Mayor O'Brien of Pickerington are jointly signing a letter stating that Lancaster is welcome to join at any time.

Parks Advisory Committee met on May 27<sup>th</sup> and will meet again on June 24<sup>th</sup>.

No further updates on SWACO. Discussion ensued regarding a time frame on SWACO's next move.

Next Music and Art in the Park will be on June 19<sup>th</sup> featuring Hillbilly Deluxe, a country-western band.

**Fairfield County Sheriff:**

The new Dodge is up and running. You will see it around town.

Deputy Dixon did an interview with a news channel regarding a resident that is receiving tickets in the mail from Cleveland, Ohio due to a mistake in reading the tag in the photo.

Sgt. Kern read the report.

**Village Solicitor:**

Mr. Hollins stated that the insurance company verified that we do have coverage on the Citizen's Action litigation. It kicks in after the \$7500 deductible.

The brief on behalf of Rockford has been filed. It is now public record. We have a month to file our report.

**Finance Director:**

Reminder, Committee of the Whole meeting is scheduled for June 29<sup>th</sup> at 6:30 pm at Town Hall.

Auditors will be at the Municipal building this week. Make sure you send back in your fraud questionnaire.

2009 Street CIP is going along. They are working on the west side of High Street and will be switching sides in the next two days. Goal is to have it completed by Farmer's Market.

Waterloo Street will have a mill & overlay done to it from Washington Street to Village limits, funded by a stimulus grant that was awarded last week.

**NOTE: The minutes set forth herein are an extract of the Council meetings. Anyone desiring a transcript of the complete minutes of the Council meeting may obtain the same at a cost of \$10.00 per page.**